

**IC 34-44.5**

**ARTICLE 44.5. EVIDENCE: UNIFORM INTERSTATE  
DEPOSITIONS AND DISCOVERY ACT**

**IC 34-44.5-1**

**Chapter 1. Uniform Interstate Depositions and Discovery Act**

**IC 34-44.5-1-1**

**"Foreign jurisdiction"**

Sec. 1. As used in this chapter, "foreign jurisdiction" means a state other than Indiana.

*As added by P.L.57-2010, SEC.1.*

**IC 34-44.5-1-2**

**"Foreign subpoena"**

Sec. 2. As used in this chapter, "foreign subpoena" means a subpoena issued under authority of a court of record of a foreign jurisdiction.

*As added by P.L.57-2010, SEC.1.*

**IC 34-44.5-1-3**

**"Person"**

Sec. 3. As used in this chapter, "person" means an individual, a corporation, a business trust, an estate, a trust, a partnership, a limited liability company, an association, a joint venture, a public corporation, a government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

*As added by P.L.57-2010, SEC.1.*

**IC 34-44.5-1-4**

**"State"**

Sec. 4. As used in this chapter, "state" means any of the following:

- (1) A state of the United States.
- (2) The District of Columbia.
- (3) Puerto Rico.
- (4) The United States Virgin Islands.
- (5) A federally recognized Indian tribe.
- (6) Any territory or insular possession subject to the jurisdiction of the United States.

*As added by P.L.57-2010, SEC.1.*

**IC 34-44.5-1-5**

**"Subpoena"**

Sec. 5. As used in this chapter, "subpoena" means a document, however denominated, issued under authority of a court of record that requires a person to:

- (1) attend and give testimony at a deposition;
- (2) produce and allow inspection and copying of designated:
  - (A) books;

- (B) documents;
- (C) records;
- (D) electronically stored information; or
- (E) other tangible things;

in the possession, custody, or control of the person; or

- (3) allow inspection of premises under the control of the person.

*As added by P.L.57-2010, SEC.1.*

#### **IC 34-44.5-1-6**

##### **Subpoena; request; issuance; contents**

Sec. 6. (a) To request issuance of a subpoena under this chapter that is based on a foreign subpoena, a party must submit the foreign subpoena to the clerk of the court in the county in which discovery is sought to be conducted in Indiana. A request for the issuance of a subpoena under this chapter does not constitute an appearance in a court of this state.

(b) When a party submits a foreign subpoena to the clerk of a court in Indiana, the clerk, in accordance with the court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

(c) A subpoena issued under subsection (b) must:

- (1) incorporate the terms used in the foreign subpoena; and
- (2) contain or be accompanied by the names, addresses, and telephone numbers of the following:

- (A) All counsel of record in the proceeding to which the subpoena relates.

- (B) Any party not represented by counsel.

*As added by P.L.57-2010, SEC.1.*

#### **IC 34-44.5-1-7**

##### **Service of subpoena**

Sec. 7. A subpoena issued by a clerk of the court under section 6 of this chapter must be served in compliance with all applicable laws concerning service of a subpoena in Indiana.

*As added by P.L.57-2010, SEC.1.*

#### **IC 34-44.5-1-8**

##### **Application of Indiana laws**

Sec. 8. All applicable Indiana law concerning compliance with subpoenas to:

- (1) attend and give testimony;
- (2) produce designated books, documents, records, electronically stored information, or other tangible things; or
- (3) allow inspection of premises;

applies to subpoenas issued under section 6 of this chapter.

*As added by P.L.57-2010, SEC.1. Amended by P.L.42-2011, SEC.72.*

#### **IC 34-44.5-1-9**

##### **Applications for protective orders and subpoenas; submission to court**

Sec. 9. An application to a court for a protective order or to enforce, quash, or modify a subpoena issued by a clerk of court under section 6 of this chapter must:

- (1) comply with all applicable Indiana laws; and
- (2) be submitted to a court in the county in which discovery is to be conducted.

*As added by P.L.57-2010, SEC.1.*

#### **IC 34-44.5-1-10**

##### **Consideration for uniformity of the law**

Sec. 10. In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the Uniform Interstate Depositions and Discovery Act.

*As added by P.L.57-2010, SEC.1.*

#### **IC 34-44.5-1-11**

##### **Application**

Sec. 11. This chapter applies to requests for discovery in cases:

- (1) pending on July 1, 2010; or
- (2) filed after June 30, 2010.

*As added by P.L.57-2010, SEC.1.*